

REMARKS

The following remarks are submitted in response to the Office Action mailed November 30, 2004 (Paper No. unknown) in connection with the above-identified application and are being filed within the three-month shortened statutory period set for a response by the Office Action.

Claims 2-10, 12-15, and 17-20 are pending in the present application as amended, and currently stand rejected. Applicants respectfully request reconsideration and withdrawal of the rejection of the claims based on the following remarks.

The Examiner has rejected claims 2-4, 7, 8, 10, 12-15, and 17-20 under 35 U.S.C. §103(a) as being obvious over Inoue (JP 2000-115310) in view of Favaro (U.S. Patent No. 4,573,573). Applicants respectfully traverse the §103(a) rejection.

Independent claims 12 and 17 as amended both recite a protective cover for a telephone having a keypad and a display. The cover has a keypad portion for covering the keypad of the telephone to protect the telephone at the keypad and a display portion for covering the display of the telephone to protect the telephone at the display.

Claim 12 further recites that the cover includes a securing device (40c in Fig. 6) for securing the cover to the telephone in a repeatedly mountable and disengagable manner. Such securing device includes a pair of wings (42c) that extend generally from either lateral side of the keypad portion (14c) and along sides of the mounted-to telephone (10 in Fig. 3), and a strap (44c) that interconnects distal ends of the wings at a rear face of the mounted-to telephone.

Claim 17 further recites that the cover is formed from a single longitudinally extending piece of a sheet of plastic. Such piece includes a bottom zone including the keypad

portion and defining one longitudinal end of the piece, a back zone defining the other longitudinal end of the piece, and a top zone between the bottom zone and back zone and including the display portion.

As was previously pointed out, and as set forth in the specification of the present application at about pages 8 and 9, and as best seen in Fig. 6, the piece set forth in claim 17 may include two lateral extensions 46c on each lateral side thereof, with one pair of the extensions 46c on either lateral side of the top zone and the other pair of the extensions 46c on either lateral side of the back zone. Thus, the cover is formed when the piece is folded in a generally curving manner along a generally transverse line between the top zone and back zone such that the respective lateral extensions 46c on each lateral side encounter one another. As may be appreciated, the area of the fold runs generally along the top face 32 of the telephone 10 when the cover 12 is mounted thereto, and between the top zone and the back zone. Such encountering extensions 46c are then secured to one another and thus run generally along the sides of the telephone 10 when the cover 12 is mounted thereto.

As should also be appreciated, while the bottom zone at the front side of the telephone does not have any counterpart zone at the back side of such telephone, a wing may extend laterally from each lateral side of the bottom zone, and distal ends of the wings may be interconnected by a strap. Thus, the wings and the strap in combination secure the bottom zone of the cover to the telephone.

As the Examiner is aware, the Inoue reference discloses a cover for a phone, where the cover is formed from a generally rectangular sheet that is in general formed into a more-or-less cylindrical tube. Such tube is mounted to the phone by moving same over the phone in a generally longitudinal manner. Thus, the tube has a single generally longitudinal join

line by which the substantial entirety of opposing edges of the sheet contact and are directly secured to one another.

As the Examiner concedes, the Inoue 'cylindrical tube' cover does not include a securing device for securing the cover to the telephone where the securing device includes a pair of wings that extend generally from either lateral side of a keypad portion and along sides of the mounted-to phone, and a strap that interconnects distal ends of the wings at a rear face of the mounted-to phone, as is required by claim 12. Instead, and again, the opposing edges of the Inoue sheet contact and are directly secured to one another without any strap therebetween. Nevertheless, the Examiner continues by arguing that the Favaro reference discloses such an arrangement.

The Favaro reference discloses an adjustable protective cover for a portable audio device such as a Walkman-type miniature cassette player, where the cover includes a sheet of material constructed to include an intricate set of extensions and hook-and-loop fastening material attached to various of the extensions. When properly folded, a piece of hook material at one extension encounters a piece of loop material at another extension and interconnects therewith to secure the extensions in place.

However, and significantly, none of the Favaro extensions is a securing device that includes a pair of wings that extend generally from either lateral side of a keypad portion and along sides of a mounted-to telephone, and none of the fastening materials is a strap that interconnects distal ends of the wings at a rear face of the mounted-to telephone, as is required by claim 12. In particular, although the lateral extensions of the Favaro cover may be interpreted to be wings, such wings are not interconnected at distal ends by a strap, as is required by claim 12. Instead, such Favaro wings are interconnected by co-planar fastening

materials which are overlaid with and contacted to each other to secure such wings to the Favaro audio device.

Moreover, and at any rate, the Favaro wings do not extend from either lateral side of a keypad portion, as is required by claim 12. Instead, inasmuch as the Favaro cover is for an audio player without a keypad, such cover would not have any such keypad portion. At most, the audio player may have some buttons on the side thereof, in which case the Favaro cover would have a button portion, but such button portion would not be centralized on the cover, as the Examiner should appreciate, and accordingly both extensions of the Favaro cover that could be considered to be wings would not extend from such a button portion, as is required by claim 12.

Thus, the combination of the Inoue and Favaro references does not disclose or suggest a strap interconnecting the distal ends of laterally extending wings, as is required by claim 12. Accordingly, such references cannot be applied to make obvious claim 12 or any claims depending therefrom, including claims 2-4, 7, 8, 10, and 13-15.

With regard to claim 17, Applicants note and the Examiner concedes that the Inoue 'cylindrical tube' cover is not formed from a single longitudinally extending piece of a sheet of plastic, where such longitudinal piece includes a bottom zone including a keypad portion and defining one longitudinal end of the piece, a back zone defining the other longitudinal end of the piece, and a top zone between the bottom zone and back zone and including a display portion, as is required by claim 17. In particular, the corresponding zones in the Inoue reference are positioned differently. Nevertheless, the Examiner continues by arguing that the Favaro reference discloses such zones.

However, Applicants respectfully submit that in fact the Favaro cover cannot be reasonably described as a longitudinally extending piece, as is required by claim 17, inasmuch as the vertical and horizontal extents of the cover are roughly equal, as may be seen in the Favaro reference at Figs. 1 and 2 thereof. To reasonably interpret the Favaro cover as being longitudinally extending, as is required by claim 17, the Examiner would have to consider only the central vertical portion of the cover, and impermissibly ignore the left and right vertical portions of the cover. Moreover, even if the central vertical portion was considered as the longitudinally extending cover, Favaro shows that the longitudinal ends of such cover meet at the same face of the Favaro audio player, as is shown in Figs. 3-5. Accordingly, such longitudinal ends cannot define a bottom zone including a keypad portion which would be at a front face and a back zone which would be at a back face, as is required by claim 17.

Moreover, no part of the central portion of the Favaro cover is a keypad portion, as is required by claim 17. Instead, and again, inasmuch as the Favaro cover is for an audio player without a keypad, such cover would not have any such keypad portion. At most, the audio player may have some buttons on the side thereof, in which case the Favaro cover would have a button portion, but such button portion would not be centralized on and appear on the central portion of the Favaro cover, as the Examiner should appreciate, and as required by claim 17.

Thus, neither of the Inoue and Favaro references discloses or suggests the longitudinally extending cover, as required by claim 12. Accordingly, such references cannot be applied to make obvious claim 17 or any claims depending therefrom, including claims 18-20.

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As a result, Applicants respectfully request reconsideration and withdrawal of the Inoue – Favaro §103(a) rejection.

Applicants note that the Examiner has also rejected dependent claims 5, 6, and 9 under § 103 in view of the Inoue and Favaro references, Takagi (U.S. Patent No. 5,251,329), and/or Flannery (US 2002/0086711), and respectfully traverse such other rejections. In particular, since claims 12 and 17 are unanticipated and have been shown to non-obvious, then so too must all claims depending therefrom be unanticipated and no-obvious, at least by their dependencies, including claims 5, 6, and 9. As a result, Applicants respectfully request reconsideration and withdrawal of the other rejections.

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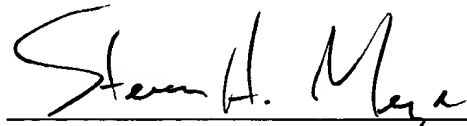
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In view of the foregoing amendment and discussion, Applicants respectfully submit that the present application including claims 2-10, 12-15, and 17-20 is in condition for allowance, and such action is respectfully requested.

Respectfully Submitted,

Date: ~~February 14, 2005~~

Feb 17 2005



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